region6news

Wednesday, December 27, 2017

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

Please note: All articles are available in the attached PDF.
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1 — What Texas learned in the wake of Hurricane Harvey, Texas Tribune, 12/27/17
https://www.texastribune.org/2017/12/27/wake-hurricane-harvey-looking-back-what-weve-learned/
Two Tribune reporters who covered Hurricane Harvey and its aftermath discuss the historic storm's financial impact, recovery efforts and what citizens and state officials have learned in the wake of the devastating storm.

2 — Denka's lawyers argue that St. John residents offer no proof that chloroprene caused harm, Advocate, 12/26/17
http://www.theadvocate.com/new_orleans/news/environment/article_669e071c-ea72-11e7-90c1-9f58f88bf509.html
Lawyers for a chemical company accused of releasing what environmentalists say are "dangerous" amounts of a chemical called chloroprene into the air in St. John the Baptist Parish say that a lawsuit against the company should be dismissed because local residents have failed to show the chemical is harmful. Attorneys for Denka Performance Elastomer made the argument in a legal filing Friday, the first time that the company has responded to the suit brought over the summer by 13 St. John residents who live near the chemical plant.

3 — 327 toxic Superfund sites in climate change, flooding bulls-eyes: AP, 12/26/17
https://www.cbsnews.com/news/327-toxic-superfund-sites-climate-change-flooding-bulls-eyes-ap/
Anthony Stansbury propped his rusty bike against a live oak tree and cast his fishing line into the rushing waters of Florida's Anclote River. When he bought a house down the street last year, Stansbury says he wasn't told that his slice of paradise had a hidden problem. The neighborhood is adjacent to the Stauffer Chemical Co. Superfund site, a former chemical manufacturing plant that is on the list of the nation's most polluted places. That 130-acre lot on the river's edge is also located in a flood zone.

4 — Why Communities Of Color Are More Vulnerable To Natural Disasters, KERA, 12/26/17
http://keranews.org/post/why-communities-color-are-more-vulnerable-natural-disasters
Low-income neighborhoods are more vulnerable to natural disasters, according to the Centers for Disease Control. And those poor neighborhoods are also disproportionately communities of color. In “After The Flood,” KERA has followed several people who left their storm-wrecked homes after Hurricane Harvey and decided to start over in North Texas. All of them are black.

5 — A vital port for the nation’s oil and gas industry is on its way to becoming an island, LENS, 12/22/17
http://thelensnola.org/2017/12/22/a-vital-port-for-the-nations-oil-and-gas-industry-is-on-its-way-to-becoming-an-island/
Henri Boulet, 54, grew up in a family of shrimpers in the southern part of Lafourche Parish, a long, skinny county that starts on Louisiana’s Gulf Coast and stretches north about 75 miles. His family lived in a little town called Larose, which was located slightly inland, so the family kept their shrimp boat on a barrier island called Grand Isle. This story was produced in collaboration with weather.com, which examined the effects of climate change in all 50 states.

6 — Passage Of Tax Bill Could Spur Oil And Gas Activity, Houston Public Radio, 12/20/17
https://www.houstonpublicmedia.org/articles/news/energy-environment/2017/12/20/258008/passage-of-tax-bill-could-spur-oil-and-gas-activity/
The GOP's tax bill victory could lead to new oil and gas investments. The industry is celebrating the win, though there is still room for caution in oil markets. The American Petroleum Institute, an industry group, said the measure could "unleash" oil and gas activity.

7 — NEW INVESTIGATION LINKS HOUSTON'S 'FLOOD CZAR' TO HOMES BUILT IN RESERVOIR FLOOD POOLS, Texas Standard, 12/22/17
http://www.texasstandard.org/stories/categories/energy-environment/
Thousands of residents living near the Addicks and Barker reservoirs in northwest Houston are still in cleanup mode after their homes were inundated. It was only after the rain stopped falling that many of those homeowners discovered they were living in zones intended to be flooded in order to save downtown Houston from disaster. Weren't developers required to tell buyers this information? If officials knew these areas were flood pools, why would they permit construction on these sites in the first place?

8 — Fueling dissent: how the oil industry set out to undercut clean air, Guardian, 12/14/17
https://www.theguardian.com/environment/2017/dec/14/fueling-dissent-how-the-oil-industry-set-out-to-undercut-clean-air
On sunny days, when his classmates run out to play, Gabriel Rosales heads to the school nurse for a dose of Albuterol. The fine mist opens his airways, relaxing the muscles in his chest. Without it, recess could leave the nine-year-old gasping for breath. He gets a second dose at the end of the day before heading home from St John Bosco Elementary School, in San Antonio, Texas.

9 — Powered by trash: See how Baton Rouge engineers are using garbage to fuel industry, Baton Rouge Advocate, 12/23/17
http://www.theadvocate.com/baton_rouge/news/environment/article_56e7b3d4-deb2-11e7-a73c-efdb02ce87f9.html
Engineers are turning the Capital City's trash into fuel that helps power petrochemical plants along the Mississippi River which make the raw materials used to produce all kinds of goods, from plastic containers to car parts. But first, the garbage needs time to ferment. After five years at the parish landfill, garbage starts giving off combustible gases that are being captured and sold to the plants. As the trash heap grows ever higher, the city-parish is preparing to install more pumps to extract methane gas bubbling underneath the mammoth pile.

10 — Nutrient proposal advances, at issue is curbs on phosphorus, Arkansas Democrat Gazette, 12/26/17
http://www.arkansasonline.com/news/2017/dec/26/nutrient-proposal-advances-20171226/
The first proposed outline to trade nutrients through a watershed has been approved to take to Arkansas' pollution control board nearly three years after the state Legislature voted to allow the proposals. Four Northwest Arkansas cities -- Bentonville, Fayetteville, Rogers and Springdale -- proposed the program, which could be used by wastewater treatment plants in the nutrient-beleaguered area to lessen the restrictions on the amount of phosphorus that they discharge into the water, all while another facility in the same watershed has its restrictions tightened.

11 — Tourism in coal country: Digging into culture, ecotourism, Houston Chron, 12/26/17
http://www.houstonchronicle.com/news/article/Tourism-in-coal-country-Digging-into-culture-12455595.php
Two-thirds of Appalachia's coal industry jobs have disappeared since the 1990s. Now the region is hoping tourism will help rebuild its economy by tapping into history and its rugged natural beauty.

12 Attorneys slash claims in Colorado mine spill, Kaplan Herald, 12/26/17
https://kaplanherald.com/2017/12/26/attorneys-slash-claims-in-colorado-mine-spill/
Economic damage from a Colorado mine waste spill caused by the U.S. Environmental Protection Agency may be far less than originally feared after attorneys drastically reduced some of the larger claims, The Associated Press has learned. Farmers, business owners, residents and others initially said they suffered a staggering $1.2 billion in lost income, property damage and personal injuries from the 2015 spill at the Gold King Mine, which tainted rivers in Colorado, New Mexico and Utah.

13 Development continues at Oklahoma Superfund site, ABC 7, 12/26/17
http://www.kswo.com/story/37140870/development-continues-at-oklahoma-superfund-site
As the Environmental Protection Agency considers whether a site contaminated with cancer-causing chemicals is one of the nation's worst, development continues unabated behind it and a large land sale has occurred across the street. The stark contrast between contamination and nearby construction has jolted nearby residents and concerned citizens, prompting inquiries to city offices. Midwest City has largely deferred to the Oklahoma Department of Environmental Quality, which has frustrated at least one city councilman, The Oklahoman reported.

14 Tax that pays for oil spill cleanup trust fund expires on Dec. 31, Times Picayune, 12/21/17
http://www.nola.com/environment/index.ssf/2017/12/oil_spill_trust_fund_tax_expir.html#incart_river_index
The 9 cents per barrel tax on oil that funds the Oil Spill Liability Trust Fund, used by the U.S. Coast Guard to pay for cleanups after accidents like the BP Deepwater Horizon oil spill, expires on Dec. 31, and there are no plans to ask Congress to restore it. At the end of November, the trust fund contained $5.8 billion, said Allen Thuring, a senior financial analyst with the Coast Guard's National Pollution Fund Center, which oversees the trust find. And that should be enough to handle oil spill emergencies for the foreseeable future, he said.

What Texas learned in the wake of Hurricane Harvey

> Two Tribune reporters who covered Hurricane Harvey and its aftermath discuss the historic storm's financial impact, recovery efforts and what citizens and state officials have learned in the wake of the devastating storm.

BY **JUSTIN DEHN** DEC. 27, 2017 8 HOURS AGO

In Harvey's Wake

The devastation was swift, and the recovery is far from over. Sign up for our ongoing coverage of Hurricane Harvey's aftermath. You can help by sharing your story here or sending a tip to harvey@texastribune.org. **MORE IN THIS SERIES →**

Hurricane Harvey devastated the Texas Coast, dumping more than 50 inches of rain in parts of the Houston area. Texas Tribune reporters Kiah Collier and Morgan Smith discuss

what Texans learned in the wake of Harvey, the state's rebuilding efforts, the government's response and what Texas is doing to prepare for future storms.

Read related Tribune coverage:

- Between the federal government, the Red Cross and private charities, billions of dollars will be spent to help Texans rebuild and recover after Hurricane Harvey in Texas. The Tribune is tracking how it's spent. [Full story]
- As state officials vie for limited federal disaster dollars, housing advocates fear Texans with destroyed homes may fall through a patchwork of government agencies. [Full story]
- State officials want as few parameters as possible on federal disaster relief funds, but housing advocates say that could lead to public works projects getting federal funds over Texans who lost everything. [Full story]

http://www.theadvocate.com/new_orleans/news/environment/article_669e071c-ea72-11e7-90c1-9f58f88bf509.html

Denka's lawyers argue that St. John residents offer no proof that chloroprene caused harm

BY DELLA HASSELLE | DHASSELLE@THEADVOCATE.COM DEC 26, 2017 - 1:24 PM

Della Hasselle

Lawyers for a chemical company accused of releasing what environmentalists say are "dangerous" amounts of a chemical called chloroprene into the air in St. John the Baptist Parish say that a lawsuit against the company should be dismissed because local residents have failed to show the chemical is harmful.

Attorneys for Denka Performance Elastomer made the argument in a legal filing Friday, the first time that the company has responded to the suit brought over the summer by 13 St. John residents who live near the chemical plant.

The residents sued both Denka and E.I. du Pont de Nemours and Co., the previous owner of the LaPlace facility, in an effort to reduce or stop production of what the U.S. Environmental Protection Agency considers a "likely carcinogen."

Story Continued Below

The lawsuit, which includes St. John the Baptist Parish Councilman Larry Sorapuru as a plaintiff, seeks class-action status. It asks that U.S. District Judge Martin Feldman order the plant to stop or reduce production until emissions reach levels deemed safe by the EPA.

The residents are not asking for compensation for physical injury, in part because the evidence linking various concentrations of chloroprene emissions and physical harm to humans is "undeveloped," their lawyers say.

However, they do seek damages for various other issues, including lost property value and "emotional distress" resulting from "release of excessive concentrations" of the chemical.

Lawyers for the plant, on the other hand, want the judge to throw out the entire suit because they say the residents have failed to show that the chemical has caused any of them "irreparable injury," or that any alleged injury to them outweighs the damage an injunction would cause the chemical plant.

Forcing the plant to dramatically reduce or halt production would be so costly that it "could ultimately result in the shuttering of the ... facility," the filing says.

Justin Marocco, a lawyer for Denka, said the plaintiffs can't prove any "ruin, vice or defect" in the plant and haven't shown how the chemical company has been negligent.

The company also says the plaintiffs filed their lawsuit too late for the court to entertain it, as the vast majority of Louisiana personal injury claims have a one-year statute of limitations.

Denka took over the plant in November 2015.

It had been operating for nearly half a century before then, with little scrutiny. It wasn't until 2010 that the EPA reclassified chloroprene as a "likely carcinogen," saying that exposure to quantities above 0.2 micrograms per cubic meter of air puts people at increased risk.

Then, in December 2016, the EPA released its National Air Toxic Assessment, which found that, because of the Denka plant's emissions, residents of St. John the Baptist Parish have the highest potential risk of cancer from airborne pollutants of any community in the country.

Since then, EPA data have shown that chloroprene levels in St. John have at times reached up to 765 times the agency's risk threshold.

Denka pledged to reduce airborne emissions of chloroprene by 85 percent by the end of this year. The company is wrapping up a $25 million retrofitting project designed to achieve that.

In the meantime, residents, state regulators, scientists, company officials and lawyers have all engaged in intense debate over the health ramifications of chloroprene exposure.

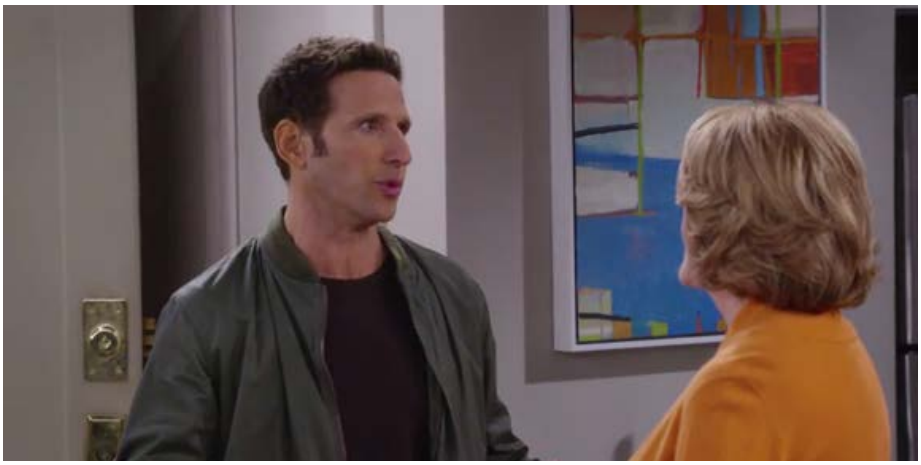
Dr. Jimmy Guidry, the state health officer, has said that measuring the risk has been difficult, largely because "there's not a whole lot of science about chloroprene."

Variables include the proximity of the exposed person to the site, the amount of time chloroprene stays in the body and the tendency for chloroprene levels in the air to spike and dip over time.

The lawsuit was initially filed in July in Louisiana's 40th Judicial District Court, but it was moved to federal court in New Orleans in August. It's unclear when the judge will rule on Denka's motion.

The affected area laid out in the petition is bounded by Interstate 10 on the north, the St. James Parish line on the west, La. 3127 on the south and the community of Killona and the Bonnet Carre Spillway on the east.

That's the area where St. John residents and their lawyers see "a pattern of excessive measurements of chloroprene in the air," lawyer Eberhard Garrison said in July.



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AP / December 22, 2017, 5:46 AM

327 toxic Superfund sites in climate change, flooding bulls-eyes: AP

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TAPRON SPRING, Fla. -- Anthony Stansbury propped his rusty bike against a live oak tree and cast his fishing line into the rushing waters of Florida's Anclote River.

When he bought a house down the street last year, Stansbury says he wasn't told that his slice of paradise had a hidden problem. The neighborhood is adjacent to the Stauffer Chemical Co. Superfund site, a former chemical manufacturing plant that is on the list of the nation's most polluted places. That 130-acre lot on the river's edge is also located in a flood zone.

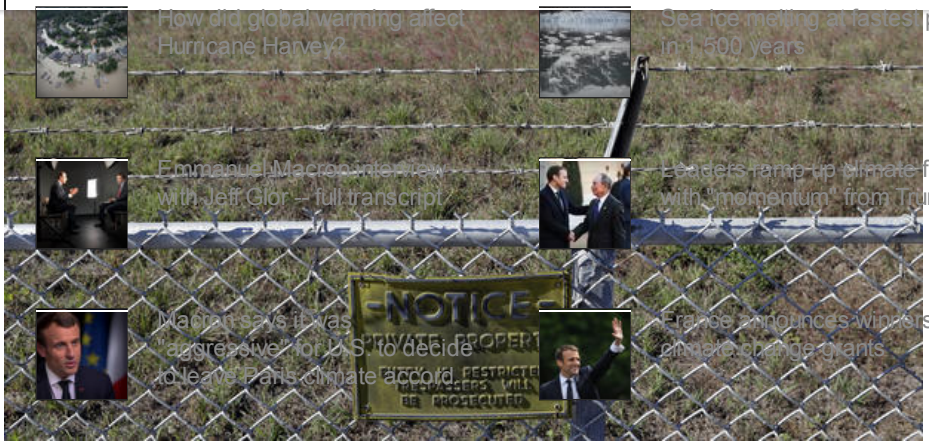
"Me and my kids fish here a couple times a week. Everyone who lives on this coast right here, they fish on this water daily," said the 39-year-old father of three.

Stansbury is among nearly 2 million people in the U.S. who live within a mile of 327 Superfund sites in areas prone to flooding or vulnerable to sea-level rise caused by climate change, according to an Associated Press analysis of flood zone maps, census data and U.S. Environmental Protection Agency records.

This year's historic hurricane season exposed a little-known public health threat: Highly polluted sites that can be inundated by floodwaters, potentially spreading toxic contamination.

In Houston, more than a dozen Superfund sites were flooded by Hurricane Harvey, with breaches reported at two. In the Southeast and Puerto Rico, Superfund sites were battered by driving rains and winds from Irma and Maria.

The vulnerable sites highlighted by the AP's review are scattered across the nation, but Florida, New Jersey and California have the most, and the most people living



November 2017 photo shows a private property sign attached to a fence outside the old Stauffer chemical plant toxic ... p site in Tarpon Springs, Fla. / **CHRIS O'MEARA /**

Ma... e 327 sites have had at least some wor... o help mitigate the threat to public health, including fencing them off and covering them in plastic sheeting to help keep out rain water.

Obama administration ... ssed some of these at-risk places and planned to gird them from harsher weather ... rising seas. EPA's 2014 ...nate Adaptation Plan said pro...onged flooding at low-lying Superfund sites could ...se extensive erosion ... ying away contaminants ... aters recede.

President Trump, however, has called climate change a hoax, and his ad... istration has worked to remove references f... federal reports and websites lin... bon emissions to the warming planet.

"Site managers had started reviewing climate and environmental trends for each Superfund site, including the potential for flooding," said Phyllis Anderson, who wo... 30 years as an EPA attorney and asso... director of the division that ma... uperfund cleanups until her retireme... 13. "The current ad... tion appears to be trying to erase thes... in their climate change denials, which is a shame."

EP... istrator Scott Pruitt has said he inten... focus on cleaning up Su... sites, and he appointed a task force t... loped a list of sites co... the highest priority. The Stauffer site ...da is not on it.

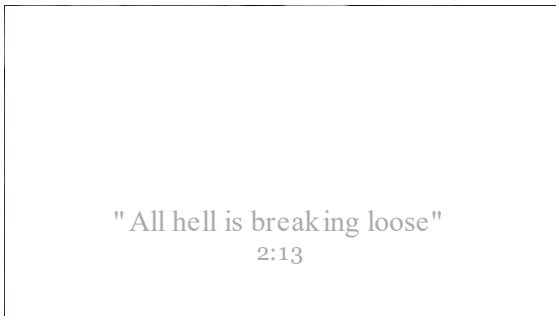
Like Mr. Trump, Pruitt rejects the consensus of climate scientists that man-made ca... issions are driving global warming. H... ...e's 34-page report ma... ention of the flood risk to Superfund ... om stronger storms or ris... but eight of the 21 sites on EPA's pri... are in areas of flood risk.

Despite EPA's announced emphasis on expediting cleanups, the Trump ad... tion's proposed spending plan for the current 2018 fiscal year seeks to sla... rfund program funding by nearly one-third. Congress has not yet

still hasn't passed a budget."

Many flood-prone Superfund sites identified through AP's analysis are located in low-lying, densely populated urban areas. In New Jersey, several polluted sites have more than 50,000 people living within one mile.

In Hoboken, across the Hudson River from New York City, the site of a former manufacturing plant for mercury vapor lamps sits within a mile of almost 100,000 residents, including 7,000 children under 5.



The Martin Aaron Inc. Superfund site is in the heart of Camden's Waterfront South, a low-income neighborhood of crumbling row houses and industrial facilities stretching along the Delaware River.

The 2.5-acre lot, which takes up most of a city block, has been home to a succession of factories dating back to 1886 that included a leather tannery. The air around the fenced site hangs heavy with the nose-stinging odor of solvents. Testing found that soil and groundwater under the site contained a witch's brew of highly toxic chemicals, including PCBs and pesticides.

Earlier this month, workers used heavy machinery to remove contaminated soil and to pump polluted water from deep underground. Long range plans approved by EPA call for eventually covering the land and restricting its future use.

Just around the corner, Mark Skinner and his niece Cherise Skinner pushed her 1-year-old son in a stroller in front of their rented row house. Mark Skinner shrugged when asked about the work at the former industrial site.

"It's really contaminated, there's a lot of stuff in the ground, but I don't know what all it is," said Skinner, 53, who works at a nearby scrap metal yard and has lived in Waterfront South since he was a teenager.

Foul-smelling water filled the streets there during Superstorm Sandy in 2012, flooding many basements, long-time residents said. Census data show about 17,250 people live within a mile of the Martin Aaron site - 65 percent are black and 36 percent are Latino.

Across the nation, more than 800,000 homes are located near flood-prone toxic sites. Houses are at risk of contamination if intense flooding brings water into them, and many more people could be affected if the contamination seeps into the ground, finding its way into drinking water.

Mustafa Ali, who resigned in March as EPA's senior adviser and assistant associate administrator for environmental justice, said it's no accident that many of the nation's most polluted sites are also located in some of the poorest neighborhoods.

"We place the things that are most dangerous in sacrifice zones, which in many instances are communities of color where we haven't placed as much value on their lives," said Ali, who worked at EPA for 24 years.

The Stauffer site in Florida is a scrubby green field along the Anclote River, ringed

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AstraZeneca, paid to treat contaminated soils, and cover the pollution with a "cap" of clean earth and grass. Still, residential development and use of groundwater on the site are prohibited because of the legacy pollution.

Covering toxic waste is often a cheaper option than completely removing the pollutants, but the installations are not always as long-lasting as the chemicals buried beneath them, said Jeff Cunningham, a civil engineering professor at the University of South Florida.

"As a long-term strategy, capping only works if the contaminants degrade to safe levels before the capping system eventually fails. What if it takes centuries for some of these contaminants to degrade to safe levels?" Cunningham said.

Damage to a protective cap from storm-fueled flooding has already occurred at least once this year.

Calif. fires
4:53

In October, the EPA said dioxins from the San Jacinto River Waste Pits Superfund site near Houston were released after the cap was damaged by Harvey-related flooding. Tests afterward measured the toxins at 2,300 times the level that would normally trigger a new cleanup. Pruitt has since ordered an accelerated cleanup of the site.

Seventy-six-year-old Tony Leisner has lived near Florida's Stauffer chemical site all his life. He told the AP he is seeing damage to docks and riverside properties from the ever-rising waters in the neighborhood, and is concerned about what more flooding could mean for the Superfund lot. Although monitoring wells do test local groundwater for contamination from the site, some in Leisner's neighborhood said they're fearful enough to drink only bottled water.

The Anclote River is listed as an "impaired waterway" because it fails to meet state clean water criteria, though how much of that is due to the Stauffer site's legacy is unclear. The state has issued a warning about eating bass out of the river, but there are no signs at the popular fishing spot warning anglers even though tests show heightened levels of mercury in fish.

Leisner said barrels of chemicals at the Stauffer site self-ignited while crews were working. He said he's disappointed neither the company nor EPA removed the pollutants, especially since rising waters are already threatening the neighborhood.

"Burying things rarely helps. And if you've got a chemical that is that toxic ... I think you need to find a way to reuse, recycle and remove (it), to a place where it's not going to contaminate groundwater," he said.


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Why Communities Of Color Are More Vulnerable To Natural Disasters

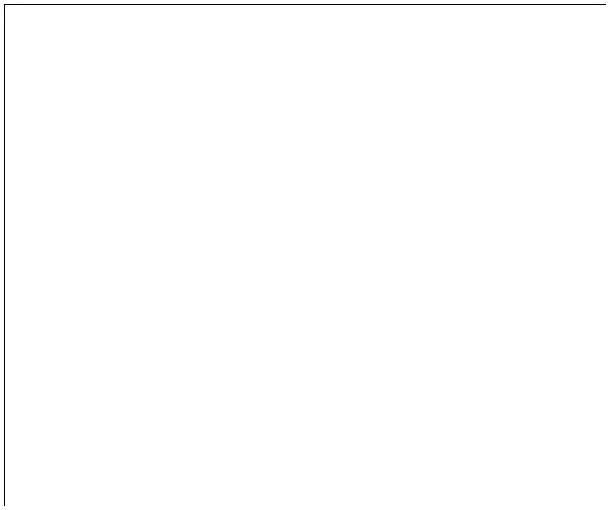
By COURTNEY COLLINS (/PEOPLE/COURTNEY-COLLINS) • 16 HOURS AGO

(http://mediad.publicbroadcasting.net/p/kera/files/styles/x_large/public/201712/0112617KERAirma0034.jpg)

Jamyri White looks out an apartment window in Fort Worth. White and her family are evacuees from Hurricane Harvey.

ALLISON V. SMITH / KERA NEWS SPECIAL CONTRIBUTOR

Low-income neighborhoods are more vulnerable to natural disasters, according to the Centers for Disease Control (https://stacks.cdc.gov/view/cdc/27762/Share). And those poor neighborhoods are also disproportionately communities of color.



In “After The Flood (http://stories.kera.org/after-the-flood/),” KERA has followed several people who left their storm-wrecked homes after Hurricane Harvey and decided to start over in North Texas. All of them are black.

Chrishelle Palay with the Texas Low Income Housing Information Service explains why communities of color seem to always be in the path of the storm.

Listen
4:51

Listen to the KERA radio interview.

Interview Highlights

How natural disasters affect black neighborhoods

There's a neglect when it comes to infrastructure in these communities that continues to leave them very vulnerable to floods and to environmental hazards because of redlining that was backed by federal home loan banks in the 1930s. There were maps that were created that graded communities, and black communities were outlined in red and were identified as risky and the most unsafe.

And because of that, the public and private sector failed to invest in these communities.That's where you will see a lot of the lack of real infrastructure when it comes to drainage, when it comes to sidewalks, and just the foundation, quite honestly, of these communities. According to our data that we've analyzed from the city of Houston, most of the open-ditch drainage systems are in minority communities.

(http://mediad.publicbroadcasting.net/p/kera/files/styles/x_large/public/201712/chrishelle_palay_photo.jpg)

CREDIT COURTESY OF CHRISHELLE PALAY

On challenges Latino communities face when trying to rebuild

What we're seeing is that many people continue to live in apartments with mold. Oftentimes these landlords know that this is a vulnerable population, and so the chances of them actually reporting these issues is slim. In other cases, there has been a smaller percentage of Latino communities actually applying for Federal Emergency Management Agency (FEMA) assistance; although it's been said time and time again that your immigration status should not matter. There's still serious fear there.

On other challenges for poor communities

Often in these black communities and these poor communities, there's not much access to the internet. The quickest way to apply for assistance is via the internet, so that's one impediment. But then also we're finding in the process that many of these community members are getting denied for a myriad of reasons — some that don't even make much sense. I've even seen some people being denied because they're being told that they don't reside in a flood area.

This interview has been edited for clarity and length. For more on this topic, explore our One Crisis Away series, "After The Flood." (http://stories.kera.org/after-the-flood)

TAGS: ONE CRISIS AWAY: AFTER THE FLOOD (/TERM/ONE-CRISIS-AWAY-AFTER-FLOOD)

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Environment

A vital port for the nation's oil and gas industry is on its way to becoming an island.

By Katy Reckdahl, The Lens and weather.com, Contributor December 22, 2017 1:56pm

Edmund D. Fountain / weather.com

The elevated section of Louisiana Highway 1 near Port Fourchon, Louisiana, photographed on December 1, 2017.

Henri Boulet, 54, grew up in a family of shrimpers in the southern part of Lafourche Parish, a long, skinny county that starts on Louisiana's Gulf Coast and stretches north about 75 miles. His family lived in a little town called Larose, which was located slightly inland, so the family kept their shrimp boat on a barrier island called Grand Isle.

Climate Change is Already Here

This story was produced in collaboration with weather.com, which examined the effects of climate change in all 50 states.

See how climate change is affecting the rest of the country (http://features.weather.com/us-climate-change/) .

As a child, Boulet would often ride with his father down to their boat, an hour's drive on two-lane Louisiana Highway 1. Over the past half-century, he has seen the landscape change dramatically.

Recently, Boulet recalled how he'd driven onto a local bridge and looked down to see nothing but blue. "It's scary. From the bridge I could see some marsh," he said. "But I don't see the miles of solid marsh that I saw growing up, driving to Grand Isle in the 1970s."

In recent decades, the highway has flooded much more frequently.

In 2012, when Hurricane Isaac hit, storm surge covered the low-lying road and tore out chunks of asphalt. "It really pounded us," Boulet said. "And it was only a Category One storm."

After Isaac, like other storms over the past decade, a stretch of Highway 1 between Leeville and Golden Meadow was closed for several days. But it doesn't take a storm to flood. Carol Terrebonne, who runs the Seafood Shed along that stretch of road, said even a high tide sends water into her market.

While any closure of this sliver of a road is a hardship for people who live in the area, it's also a blow to the nation. That's because Highway 1 is the only land route to Port Fourchon, a sprawling, deepwater harbor on the Gulf of Mexico that supplies nearly 20 percent of the nation's oil and gas at any time. It's connected to nearly 50 percent of the nation's refining capacity and is a supply point for about 90 percent of offshore drilling vessels in the Gulf.

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"I find it ironic that what threatens the future existence of Port Fourchon is the very thing that Port Fourchon was built to promote," said David Muth,

director of the Gulf Restoration Program for the National Wildlife Federation Federation.

Carol Terrebonne, who runs the Seafood Shed, says high tides send water into her market.

Fourchon is linked to the Louisiana Offshore Oil Platform, or LOOP, the only port in the nation that can accommodate supertankers from the Persian Gulf. They dock at LOOP and pump oil through hoses connected to a moored base. The oil is sent 18 miles underwater to Fourchon, which sends it on via massive pipelines to be stored in a salt dome or a tank farm of metal cylinders that stands at the edge of Golden Meadow, 20 miles up Highway 1.

Because of its importance to the energy sector, Boulet said, anything that shuts down Highway 1 is basically a blow to the nation's coffers. Oil and gas royalties are the second-largest deposit to the U.S. Treasury after income taxes. A 2012 analysis by the U.S. Department of Homeland Security found that a 90-day closure of Port Fourchon would result in a $7.8 billion loss of gross domestic product.

Edmund D. Fountain / weather.com

Port Fourchon is a sprawling, deepwater harbor on the Gulf of Mexico that supplies nearly 20 percent of the nation's oil and gas at any time. Highway 1 is the only land route to the port.

Boulet is the longtime executive director of the Highway 1 Coalition, which was formed 20 years ago to put the most vulnerable part of this highway into the air, far above the water. In 2011, half of that dream came true when the southernmost nine miles of the highway was replaced by an elevated toll road that towers on massive, concrete pillars 22 feet above sea level. The raised portion of the road connects Fourchon with Leeville, a sleepy town now tucked into the elbow of the massive structure.

At the entrance to town is an early-20th century cemetery where tipped gravestones are sinking sideways, sometimes leaving only a few letters above ground. The road's asphalt seems particularly weathered here. It's dotted on either side with shuttered buildings.

> **“I find it ironic that what threatens the future existence of Port Fourchon is the very thing that Port Fourchon was built to promote.”**
> **—David Muth, National Wildlife Federation Federation**

Tolls were levied for the first phase of the road to repay the bonds that funded it, along with a mix of local, state and federal funds. But Boulet and his coalition haven’t yet found a way to finance construction of the next $320 million segment north, a seven-mile stretch between Leeville and Golden Meadow.

The relative rate of sea-level rise here is among the highest (https://www.nature.com/articles/ncomms14792) in the world: four feet in the past 100 years. Part of this is a global phenomenon, due to expanding water caused by higher temperatures. Over the past 100 years, that has caused the water along this coast to rise a foot.

The other part is local. The mud under this part of the former Mississippi River delta has subsided —sank — three feet over the past 100 years.

Research has shown (https://coastal.er.usgs.gov/gc-subsidence/induced-subsidence.html) that subsidence can be tied to the extraction of hydrocarbons far underground, said Harris Cheramie, 73, as he sat on his front porch outside the Leeville Seafood Restaurant, which he runs with his wife. “It’s just common sense,” he said. “We pumped all this oil out of the ground, leaving it empty like a balloon.”

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An above-ground cemetery in Lafourche Parish, Louisiana, on December 1, 2017. In the aftermath of hurricanes and flooding, sometimes these raised graves can float away.

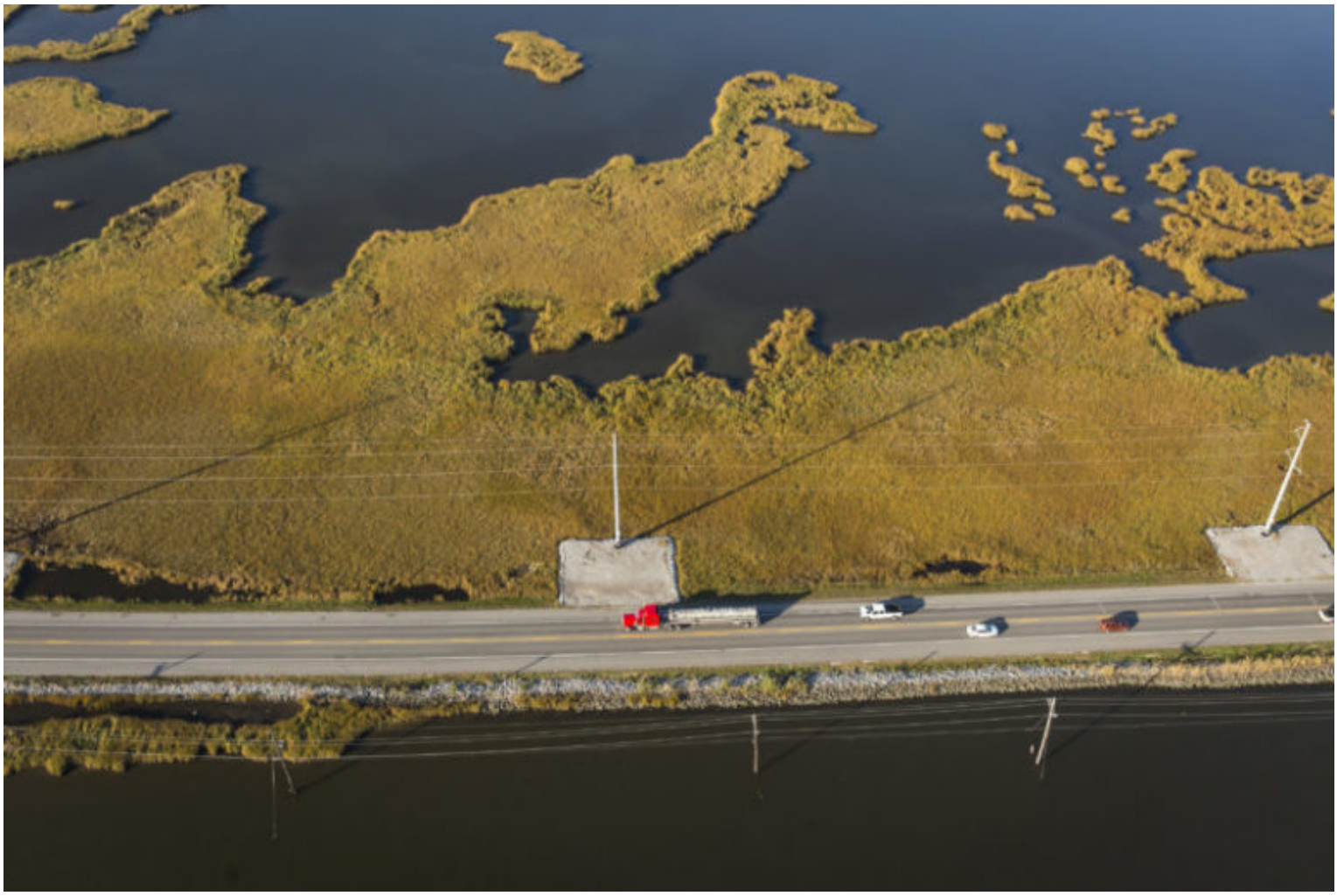
Once the road reaches Golden Meadow, it's protected by a levee (http://www.slld.org/images/lvmap2.pdf) run by Lafourche Parish. It's a source of pride that parish leaders began to build a levee system and taxed themselves for it a generation ago. "Because of what my father and others did, I have to carry on what the generation before me started," said Hank Danos, 68, who has been active in the Highway 1 Coalition and owns Danos, a company that works with oil and gas companies. "People here taxed themselves for the levee, the port, and the highway." Local companies will contribute, he said, but they can't shoulder the entire price tag for Highway 1's second phase.

> **"One would think if you had a business that was generating you $13 billion a year, yo would put in a damn good road, to make sure you can keep operating." —Ted Falgout, who ran Port Fourchon for 30 years**

Danos is particularly concerned about the seven miles of this crucial throughway that remain exposed, flooding so easily that residents say that the next hurricane could wash parts of it into the sea. Scientists at the National Oceanic and Atmospheric Administration, which has measured Louisiana tides since the 1800s, predict that by 2027, the road will be underwater for more than 30 days of the year.

It's hard for locals to understand why the feds haven't come up with more highway construction money for Louisiana, given how heavily the country relies on Port Fourchon.

"The federal government has income coming from the Gulf of Mexico's oil and gas wells to the tune of $8 billion a year, sometimes as high as $13 billion a year," said Ted Falgout, 66, a south Lafourche native who ran the port for 30 years. "One would think if you had a business that was generating you $13 billion a year, you would put in a damn good road, to make sure you can keep operating."



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Vehicles navigate Louisiana Highway 1 near Port Fourchon. The port is vital to America\'s infrastructure but sections of it become impassable during high tide and much of the marsh around the road is eroding.

AT A FORK

Lafourche Parish curves along its long eastern border, ending in a clump at each end that gives it the shape of an old-school telephone receiver. A ribbon of blue, Bayou Lafourche, runs through the middle of the parish, connecting the Mississippi River to the Gulf.

Today, Highway 1 follows the bayou as it winds through the parish and the most rapidly eroding wetlands in the world. "Highway 1 was probably built to get some politician to his camp on Grand Isle," said Windell Curole, 65, who has run the South Lafourche Levee District for 33 years. "Then as oil came in the 1930s, the road became that much more important." A few decades later, oil pipelines were dug alongside the highway.

In recounting the history of places like Lafourche Parish, it's not difficult to see how climate change was hastened by human activity, including levees and dams built to protect communities from flooding and canals dug for oil and gas exploration.

> **"What used to be a road running through a very healthy marsh is now a very narrow road with a lot of water around it. It's obvious that something substantial has change in the system."**
> **—Louisiana state climatologist Barry Keim**

"There's now a basic consensus that humans are playing some role in changing the climate," said Louisiana state climatologist Barry Keim. "Look at Highway 1: What used to be a road running through a very healthy marsh is now a very narrow road with a lot of water around it. It's obvious that something substantial has changed in the system. It's frightening, to be perfectly blunt."

Falgout grew up South Lafourche, below the Gulf Intracoastal Waterway. The area was known for "an abundance of wildlife and seafood and, later, ways to make a living with oil and gas."

Today, South Lafourche families largely work in the oil industry, though some still shrimp, fish or hunt on the side. His family, for instance, had "just barely made a living" until his father got a job with an oil company working as a gauger, checking oil levels in storage tanks.

Early French explorers had called the bayou *Lafourche*, French for "fork," because the waterway split from the Mississippi River. That ended in the early 1900s, when the bayou was dammed at Donaldsonville to prevent flooding, Muth said.

Edmund D. Fountain / weather.com

Oil and gas infrastructure in Port Fourchon.

With the bayou blocked, there was no longer a flow of freshwater to keep saltwater from penetrating into the marsh. Salt crept into local drinking water. "So they installed a pumping station" to pull water over the river levee into the bayou, said Muth — a "ridiculous" bit of engineering to solve a problem caused by another bit of engineering.

Scientists now see how the salt flowed in, causing vegetation and trees to die. Without live roots to hold the delta mud together, the marshland became much more vulnerable to erosion.

As it turns out, water was just one part of the nourishment provided by the river. Sediment no longer flowed down the bayou to rebuild marshland. The resulting land loss made south Louisiana more vulnerable to hurricanes, said Keim, noting that 30 miles of wetlands can knock down a storm surge by 10 feet.

This happened to wetlands all along the Mississippi River, not just Bayou Lafourche. Levees built to rein in the river after the devastating flood of 1927 broke the cycle of floodwaters and the sediments they carried, which had helped maintain and build land.

> **"I don't think that our restoration efforts will be successful enough to prevent Port Fourchon from becoming virtually an island one day."**
> **—Ted Falgout**

After the oil bonanza began in the 1930s, derricks and pumping platforms inundated the area south of the Gulf Intracoastal Waterway. Oil companies cut canals into the marsh, further tearing them up. "Back then, it just seemed like the earth had the ability to absorb whatever blow we gave to it," Keim said. "But we did significant damage."

In the 1960s, a state senator, A.O. Rappelet, envisioned an elaborate dock that would become Port Fourchon. Rappelet passed the legislation to create it, hoping to lure the banana trade from Central America.

The banana boats never came. After it was discovered that Rappelet had hired his own company to work at the port, he pleaded (http://www.houmatoday.com/article/DA/20070912/News/608095705/HC/) guilty to malfeasance in office.

For the next decade, Fourchon was mostly used as a dock for shrimp boats, Falgout said. But during the 1980s oil bust, companies consolidated their operations there and closed their small docks scattered along the coast. In the mid-1990s, when deepwater drilling was a small portion of oil production in the Gulf, Fourchon began to attract that business because of its easy access to deeper water. It now services 90 percent of deepwater structures.

On a recent day, boats backed in and out of an E-shaped slip in the port in a flurry of activity that workers there call the "Fourchon shuffle." In other sections of the port, fenced-in yards contain large reels of pipeline, oil tanks and other industry supplies. Rows of trailers on stilts provide offices and housing for contractors. Shrimp boats are docked in another area, waiting for a cold front to push the shrimp to sea and into nets.

During his time at the port, Falgout worked to expand it into open water, using dredged material to build the land six feet above sea level. And in a way, the state is now at another *fourche*, a different sort of fork in the water, as it scurries to use dredged material and diversions from the river to build new marshland along the shrinking coast near Fourchon. Falgout believes in those projects. "But I don't think that our restoration efforts will be successful enough to prevent Port Fourchon from becoming virtually an island one day," he said. "I think that's inevitable."

Edmund D. Fountain / weather.com

T-Roy Borne, crabber and shrimper: "All the land has become open water."

Ultimately, to produce so much of the nation's oil and gas into the future, the fate of Port Fourchon relies upon Highway 1, Falgout said. "It's the goose that laid the golden egg, but the support of it is being neglected. One good hurricane and its nest will blow away."

'NO MARSH. JUST GULF.'

Twenty years ago, Carol Terrebonne tired of flooding in her second shop, located in the small fishing town of Leeville. So she raised it 2.5 feet off the ground. Now at high tides, the water floods the shop again.

"The tide moves in so quickly now," said Lafourche Parish Councilman Daniel Lorraine, shaking his head as he talked with constituents in Leeville along what's known as Old Highway 1 — the sea-level road that has been bypassed by the elevated highway. Cars coming off the new road can exit here at Leeville.

> **"The tide moves in so quickly now."**
> **—Lafourche Parish Councilman Daniel Lorraine**

Old Highway 1 is now free of eighteen-wheelers rattling past. Store owners and bait shops on the road say few people stop to get potato chips or cans of soda. It's a tough time in the area, with the oil and seafood industries struggling with low prices.

Gail Serigny Hayes doesn't mind that 1,200 semi trucks (http://portfourchon.com/seaport/port-facts/) a day now rumble on the road above, headed to the port. "We'll still be that little fishing community," said Hayes, 56, who has worked the counter at her family's shop, Gail's Bait Shop, since she was a teenager. She's noticed an uptick in business associated with a new fishing pier spearheaded by Lorraine, who comes from a local fishing family. "But when we were growing up, there were commercial fishermen who did nothing else. Now, you just can't do that."

Shrimp and crabs have been scarce, said William "Red" Simons, 52, as he walked into a grocery store in Leeville. "No seafood this year. No marsh. Just gulf," said Simons, who suspects that the crustaceans are getting eaten by saltwater fish moving into what's left of the marsh.

T-Roy Borne, 48, another crabber and shrimper, nods. "All the land has become open water," Borne said. "They should have never plugged up Bayou Lafourche by the river."

Borne is beginning to suspect that something else might be at work. "You know, people are talking about climate change," he said to Simons. "Do you think there's anything to that?"

Edmund D. Fountain / weather.com

Much of the marsh in Southern Louisiana is sinking into the Gulf of Mexico, stripping the state of its natural protection from hurricanes.

CREDITS

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ENERGY & ENVIRONMENT

Passage Of Tax Bill Could Spur Oil And Gas Activity

A lower corporate tax rate could encourage investments in the industry

TRAVIS BUBENIK | DECEMBER 20, 2017, 4:48 PM

Blake Thornberry via Flickr

A pumpjack in the Permian Basin in 2013

The GOP's tax bill victory could lead to new oil and gas investments. The industry is celebrating the win, though there is still room for caut markets.

The American Petroleum Institute, an industry group, said the measure could "unleash" oil and gas activity.

Scott Desmarais, with consulting firm McKinsey & Company, said the benefit to the industry comes largely from the stronger economics companies will see with a lower corporate tax rate.

"The cash that that frees up allows them to think about, and gives them more confidence in, some potential investments to improve and ir production, or increase productivity overall," he said.

The industry has been focused for a while on using technology to be more efficient in the low oil price environment. Companies will have a easier time pumping money into that effort now, and Desmarais said some of them could decide to make bolder, more confident moves, particularly in West Texas.

"I think that you'll have people taking a hard look at maybe speeding up some of their investments in the Permian and some of the areas they have great economics," he said.

That could lead to an oil production increase beyond what's already expected. That is, if oil prices hold steady, and if the tax overhaul doe to quicker inflation or higher interest rates.

00:00 /01:08

Travis Bubenik

ENERGY & ENVIRONMENT REPORTER

Travis Bubenik reports on the tangled intersections of energy and the environment in Houston and across Texas. A Ho native and proud Longhorn, he returned to the Bayou City after serving as the Morning Edition Host & Reporter for Ma Public Radio in Far West Texas. Bubenik was previously the...

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By Jen Rice & Jill Ament | December 22, 2017 11:24 am

TEXAS STANDARD™

Thousands of residents living near the Addicks and Barker reservoirs in northwest Houston are still in cleanup mode after their homes were inundated. It was only after the rain stopped falling that many of those homeowners discovered they were living in zones intended to be flooded in order to save downtown Houston from disaster.

Weren't developers required to tell buyers this information? If officials knew these areas were flood pools, why would they permit construction on these sites in the first place?

Lise Olsen, the Deputy Investigations Editor at the Houston Chronicle, has discovered one of the people involved in construction of one of these neighborhoods is also Houston's flood czar, Steve Costello.

he would know that this was a dangerous place to be in during the course of these storms.

"Yes, you would. I certainly was surprised when he told me that he had never calculated what engineers call 'the maximum flood pool' for the Barker and Addicks reservoir. And he said he had no idea that the subdivision his firm had built was inside that area," Olsen says. "And curiously, he didn't remember that his own firm had also done a very comprehensive study of the potential dangers of the reservoir flood pools to homes and calculated, in fact, that more than 5,000 homes were inside the flood pools back in 2000. He said he didn't remember that in the interview I had with him."

But if he had an engineering firm involved with the development, did he have a duty to inform these homeowners?

"Indeed the engineer's job is to study the hydrology and to make recommendations to the developers, and to draw up the plans that are submitted to the counties. And in fact, engineers for his company signed off on plans for those 1,500 homes in the Barker flood pool that had warnings on them in subdivision maps that were filed in county archives that said the area was subject to extended inundation. And those maps have been a really interesting part of what I've tried to look at," Olsen says. "Who knew about those maps and who didn't? And one thing that's pretty clear is that there were a lot of people who signed them – engineers, city planning commission officials, county commissioners – but then they were filed away in these clerks offices in Fort Bend County and most homeowners never saw them. In fact, I explained to a lot of homeowners how to find them after Hurricane Harvey because they were floored to learn that their subdivisions were inside flood pools. And those warnings only appeared on the neighborhoods in Fort Bend County, not on the neighborhoods that have been approved in Harris County, which had even more flood pool neighborhoods."

The investigation also brought up a developer, Mark Kilkenny, who built inside the Barker flood pools, who also turned out to be a longtime member of the city's planning commission.

"That's right. There's a developer who is on the planning commission today," Olsen says. "And there was another engineer who was on the planning commission throughout the 80s and into 2004 who was an engineer who worked on developments in the flood pool. These two men voted to approve many, many of these subdivisions all around the properties they developed. I think they did rec

this was a taking of their land without notice and without compensation.

You can find out more about Lise Olsen's investigation here.

Written by Jen Rice.

TELL IT LIKE IT IS

Tweet @TexasStandard
or leave a comment her

Robert Blum December 25, 2017 at 2:40 pm
Would be of interest to know what the current risk factor is for the flood prone areas: communities behind the Addicks and Barker Reservoir dams as compared to the residents situated along the Buffalo Bayou. That is, in what sequence would the resident be sacrificed during another period of excess rain/water.
Reply

Cynthia Neely December 22, 2017 at 6:02 pm
Will people now start believing what the nonprofit group Residents Against Flooding has been saying for nearly ten years? All that is coming to light is what our investigations, engineers, hydrologists, environmental attorneys, have been saying all this time. We have informed four mayoral administrations no avail. The collusion between developers and elected officials is stunning. We've spent years on research and what is being reported is what we have been saying all along. And there is much more.
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What do you think?

COMMEN

undercut clean air

After casting doubt on climate change for decades, skeptic consultants have turned their attention to air pollution

by Jie Jenny Zou of the Center for Public Integrity

theguardian

Thu 14 Dec '17 02.00 EST

On sunny days, when his classmates run out to play, Gabriel Rosales heads to the school nurse for a dose of Albuterol.

The fine mist opens his airways, relaxing the muscles in his chest. Without it, recess could leave the nine-year-old gasping for breath. He gets a second dose at the end of the day before heading home from St John Bosco Elementary School, in San Antonio, Texas.

Over the past year, Gabriel's asthma has worsened. Visits to the emergency room, shortened trips to the park and reliance on inhalers have become his new norm. "It got to the point where I couldn't even leave him with anybody," said his father, Gabe, who works as a consultant to the National Association of Public Employees, a workers' advocacy group, and a seasonal field director of the Bexar County Democratic Party. "One time he almost looked blue."

Gabriel's health is deteriorating alongside air quality in San Antonio, where oil and gas development, a hotter climate and a growing population have combined to spell misery for a city that once boasted clean air compared to other Texas metropolitan areas. Part of the problem lies southeast of the city in the Eagle Ford Shale,a 400-mile-long hub of hydraulic fracturing that unleashes microscopic particles and smog-causing, ground-level ozone.

Gabe Rosales and his son, Gabriel. Photograph: Tom Dart for the Guardian

The state's environmental regulator – the Texas Commission on Environmental Quality – has been criticized for not making things better. In fact, it's followed in the footsteps of Big Oil's biggest lobby, the American Petroleum Institute, which has forestalled progress on ozone for decades. Using consultants also hired by API, the commission has spent millions of taxpayer dollars in an effort to question scientific evidence linking particulate matter and ozone with bronchitis, asthma and premature death.

Air quality is the new frontier for climate-change skeptics long tied to API. The institute has fueled uncertainty on climate by producing what critics call misleading scientific and economic studies. Now, by attempting to discredit established research on ozone and fine particles, API and its cadre of doubters are trying to undermine the Clean Air Act – the landmark US law credited with saving millions of lives. Working in concert with other free-market groups, they're taking their message to Capitol Hill. API officials d ınt interview requests from the Center for Public Integrity.

Residents of San Antonio's low-income, mostly Latino neighborhoods – like Hillcrest, where Gabriel Rosales lives – bear the brunt of poor air quality even if they aren't in ozone hot spots, said Mario Bravo, an outreach specialist with the Environmental Defense Fund. "They have less access to healthcare," Bravo said. "They have less access to transportation to get to the health-care providers."

Dangerous and under dispute

In June, two peer-reviewed studies trumpeted a conclusion at odds with years of solid science: fine-particle pollution long linked to premature death and chronic illness isn't as dangerous as health advocates contend. If true, the findings would call into question health benefits claimed by the US Environmental Protection Agency, which has set ever-tightening air-quality standards.

There was a catch, however. The articles – which were published within a week of one another – appeared in Critical Reviews in Toxicology and Regulatory Toxicology and Pharmacology, two journals favored by industry consultants. And both studies were funded by API, a trade group that has spent $40m since 2013 to lobby Congress on topics ranging from taxes to global warming.

"Our study is published ... air quality does not kill. $600m of EPA junk science up in smoke," Steve Milloy, a climate change skeptic and Donald Trump acolyte, tweeted in June, linking to the Regulatory Toxicology article. During a congressional luncheon a month later, the former coal executive took credit for conceiving the study before turning it over to friend, S Stanley Young, and two other statisticians, who authored the final article. No mention of Milloy's involvement is made in the publication.

Some of the same data was used in the Critical Reviews article published by Louis Anthony "Tony" Cox Jr, which also disputed the link between fine particles and mortality. Cox, a biostatistician from Colorado, started consulting for API in 1988. Cox disclosed that his paper "benefited from close proofreading and copy editing suggestions from API" but denied in an interview that his findings were influenced. In November, he was named the next chair of the EPA's Clean Air Scientific Advisory Committee, drawing criticism from groups like the Union of Concerned Scientists.

The science on particle pollution, much like the science on global warming, is exhaustive and widely accepted, with thousands of studies pointing to serious health implications. The World Health Organization notes that particulate matter "affects more people than any other pollutant", with effects observed at even "very low concentrations". The particles – found in automotive and industrial exhaust and smaller than one-fifth of the width of a strand of hair – form a toxic mix with ozone that lodges deep in the lungs. Unlike Cox, most researchers are no longer fixated on whether this form of pollution is fundamentally dangerous; they worry instead about whether it can cause – not just exacerbate – chronic illness.

Attacking the science is one way of undermining the Clean Air Act, said John Walke of the Natural Resources Defense Council, which advocates for more protective air-quality standards. The Clean Air Act is routinely hailed as one of the most cost-effective federal laws, even by business groups. In 2015, the EPA estimated that the law will have saved the US economy $2tn by 2020 while costing $65bn to

implement. About 85% of the act's benefits come from reducing fine-particle pollution, which raises the risk of early death. Opponents of the law "deny that air pollution is deadly … or even harmful in order to try to pretend that no benefits are delivered," Walke said.

Milloy's July congressional luncheon at the Rayburn House Office Building – billed as a "congressional staff and media briefing" – helped him plug his latest book, Scare Pollution: Why and How to Fix the EPA, which condemns the "echo chamber of deceptive science" on ozone and fine particles. Copies of the book were on a table at the side of the room.

The event was hosted by Myron Ebell, who chairs the Cooler Heads Coalition, a climate skeptics' group that began as an alliance of free-market think tanks. "It's a lot like climate," Milloy told the audience. "This stuff is pulled out of thin air."

Reached for comment, Milloy said the study is not an attack on the Clean Air Act but part of his 20-year effort to expose the EPA's "garbage-in, garbage-out" air pollution research. He denied having any formal ties to API. "I am very, very disappointed in the American Petroleum Institute and all the oil companies for not defending their products, for leaving the science to people like me," he said.

Steve Milloy Illustration: Robert G Fresson

Young, who authored the study, stood behind its findings and disputed the idea that industry funding presents ethical conflicts. His study data are publicly available, he said, but the EPA isn't as transparent. Ebell agreed, accusing the agency of using "junk science" to justify air-quality and greenhouse-gas regulation.

Despite their misgivings about the EPA, all three men have become tethered to the agency. Earlier this year, Ebell oversaw the EPA transition for Trump, leading a group that included Milloy. Young was named to the EPA's Science Advisory Board in October.

Senator Sheldon Whitehouse, co-founder of the Senate Climate Action Task Force, complained that such appointments have become all too common. "These people were fringe fanatics and industry stooges fighting on behalf of the industry a propaganda war against science," he said.

Milloy and Ebell were listed among the authors of a $2m plan to amplify uncertainty in climate science – as revealed in a 1998 API memo leaked to The New York Times. Both say the memo grew out of an API brainstorming session that never resulted in concrete action, with Milloy calling it "just a big joke".

Years before, API had refuted the very concept of global warming under its president, Charles DiBona, who joined the institute shortly after a stint as energy policy advisor to Richard Nixon in the 1970s. White House communications show that DiBona regularly met with then president Frank Ikard, a close friend of Nixon's, before becoming Ikard's deputy in 1974.

In recent years, fringe views espoused by API have found a receptive audience in US Representative Lamar Smith, whose climate-denial credentials rival those of Republican Senator James Inhofe of Oklahoma. Since Smith became chairman of the House Committee on Science, Space and Technology in 2013, the panel has handed out dozens of subpoenas – many to scientists at regulatory agencies and environmental groups – aiming to debunk climate research.

Smith – whose district includes San Antonio – has opened the committee's hearing rooms to Cooler Heads Coalition events such as Milloy's book promotion and briefings that urged the United States to drop out of the 2015 Paris climate agreement. In February, he reissued a controversial subpoena to New York attorney general Eric Schneiderman, who is investigating ExxonMobil's historical knowledge on climate change. Since he joined Congress in 1989, Smith's top campaign donors have been from the oil and gas sector, which gave him at least $764,000, according to the Center for Responsive Politics. Smith did not respond to requests for comment.

In 2016, Influence Map, a nonprofit environmental research group, estimated that ExxonMobil had spent about $27m on "climate obstruction" lobbying and advertising campaigns. That amount was dwarfed by the $65m API spent on similar efforts, the group found. ExxonMobil is one of the oldest and largest API members.

'Tired, old industry argument'

In July, the House passed a bill targeting what its proponents called "job-killing regulations" – namely, bedrock air-quality standards. Its lead author was Representative Pete Olson, a Republican from the ozone-plagued Houston area. All but four of the 229 "aye" votes were cast by Republicans, Lamar Smith among them.

Under Olson's bill, states would have until 2025 to meet the EPA's latest ozone limit, which was supposed to take effect in October. The agency, which is legally required to update air standards to keep pace with evolving science, would be obligated to review rules for pollutants once a decade, as opposed to once every five years.

The 2017 bill is the latest iteration of a proposal Olson first floated in 2015, seeking to delay regulation of ozone. The same day his bill passed, 144 trade groups, including regional offshoots of API, pledged their support in a letter to Congress. Oil and gas interests have been Olson's top political contributors, donating more than $1m to his campaigns since 2007. A Senate version of the bill has not come up for a vote.

In an email, Olson's office wrote that the congressman "believes the Clean Air Act is critically important" but has "fundamental concerns" about Texas' ability to meet tighter standards. Pollution control, the email said, "can be done rationally and with an eye on our economy".

By law, the EPA is not allowed to consider cost when setting ozone standards, but that hasn't stopped API and other industry groups from injecting economics into the policy debate.

Economics, like some controversial science, has provided API with grist to challenge regulations.

Armed with seemingly authoritative studies from firms such as NERA Economic Consulting, the institute has recast issues such as action on climate change as reckless moves that could tank the US economy. NERA, whose clients include API collaborators such as the National Association of Manufacturers and the American Chemistry Council, was co-founded by Irwin Stelzer, an economist who works at the Hudson Institute, a free-market think tank.

Such studies, like the NERA report Trump cited when he announced the US exit from the Paris climate agreement earlier this year, can be "extremely misleading", often tallying every conceivable cost and ignoring every possible benefit, said Ben Franta, a Stanford University researcher investigating API's climate activities. Because data underlying these reports are proprietary, Franta said, in many cases they can neither be verified or debunked. What's left are unsupported arguments: "New ozone rules could be the most expensive ever," reads an API webpage linking to dozens of NERA findings.

The Texas Commission on Environmental Quality has taken a tack similar to API's. Since 2013, the TCEQ has paid NERA more than $870,000 for economic research on ozone – a topic the firm studied earlier for API. More than $2.2m in taxpayer funds have also been spent on contracts with Gradient – a consultancy previously hired by API to question the benefits of a stricter ozone limit. The TCEQ declined to comment on this story but on its website describes its mission as protecting the "state's public health and natural resources consistent with sustainable economic development".

Anne E Smith, a managing director at NERA, did not respond to emails and phone calls seeking comment. She was among several industry-friendly voices at a 2015 TCEQ ozone workshop in Austin led by Michael Honeycutt, the agency's director of toxicology. Other speakers included Gradient scientists, the editor of Critical Reviews in Toxicology, industry toxicologist Michael Dourson and air researcher Robert Phalen, known for saying the air "is a little too clean for optimum health".

Speakers at the Austin workshop have risen to prominence in the Trump administration. This fall, Honeycutt, Anne Smith, Dourson and Phalen were all named to key EPA science positions as either advisers or staff.

Economics has long figured into API's strategy to derail ozone rules. In 1971, the newly formed EPA set the ozone standard at 80 parts per billion, but in 1979 took an unexpected U-turn and weakened it to 120 ppb – angering industry and environmentalists alike. The latter called the reversal scientifically indefensible and accused the EPA of prioritizing economics over health. API promptly sued the EPA, with DiBona claiming the relaxed standards would still cost "billions of dollars without significantly improving the quality of the environment or the health of the public".

Spurred by lawsuits from the American Lung Association that compelled it to update air standards based on the latest science, the EPA reverted to its original 80 ppb ozone limit in 1997. The cap is now at 70 ppb, though even that number may not be protective enough, as some research has found health effects at 60 ppb.

Nonetheless, EPA administrator Scott Pruitt – a former Oklahoma attorney general with deep ties to oil and gas – tried to keep the 70 ppb standard from taking effect. He backed off on the delay after 16 state attorneys general sued the agency in August. In a lawsuit filed this month, however, environmental groups accused the EPA of failing to enforce the rule.

Pruitt had put forth what Dr Greg Diette – a lung specialist at Johns Hopkins University who has testified in favor of tighter ozone standards – calls "a tired, old industry argument. They say, 'It's going to put us out of business,' and it doesn't," Diette said. "All this stuff always comes down to who has to pay."

But not all costs are economic. High ozone days are the hardest for Diette's patients. "It can be terrifying – it's the sensation of not being able to breathe," he said. "Some feel as if they're going to pass out. Some feel as if they're going to die."

Asthmatics can do little more than hide indoors in an air-conditioned environment. The only other option, Diette said, is to move.

Relocating isn't possible for the Rosales family of San Antonio, who are uninsured and struggling to keep up with the cost of Gabriel's medications. The air he breathes is expected to degrade further as oil prices rebound and drilling picks up in the Eagle Ford.

With additional reporting by Tom Dart in San Antonio, Texas.

Read the final part of the Guardian US/Center for Public Integrity pieces on big oil and power on Sunday: Venue of last resort: the climate lawsuits threatening future of Big Oil.

Read more in the Center for Public Integrity's special report, Unites States of Petroleum.

Topics

- Air pollution
- Oil (Business)
- US Environmental Protection Agency
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http://www.theadvocate.com/baton_rouge/news/environment/article_56e7b3d4-deb2-11e7-a73c-efdb02ce87f9.html

Powered by trash: See how Baton Rouge engineers are using garbage to fuel industry

BY STEVE HARDY | SHARDY@THEADVOCATE.COM DEC 23, 2017 - 9:00 AM

Plant manager Jason Dayton explains the operation Friday, Dec. 15, 2017 at the East Baton Rouge Parish North Landfill, where methane gas generated from the trash in the landfill is being trapped to sell to Exxon and BASF, where it's burned as fuel.

ADVOCATE STAFF PHOTO BY TRAVIS SPRADLING

Steve Hardy

Call it alchemy, Baton Rouge style.

Engineers are turning the Capital City's trash into fuel that helps power petrochemical plants along the Mississippi River which make the raw materials used to produce all kinds of goods, from plastic containers to car parts.

But first, the garbage needs time to ferment. After five years at the parish landfill, garbage starts giving off combustible gases that are being captured and sold to the plants. As the trash heap grows ever higher, the city-parish is preparing to install more pumps to extract methane gas bubbling underneath the mammoth pile.

Story Continued Below

The additional pumps mean that even more of the coffee grounds, food scraps and other trash that Baton Rougeans have thrown out over the years will soon be helping to meet the energy needs of the city's sprawling petrochemical plants.

As waste breaks down, it naturally releases gases such as methane. Typically, that gas would have to be burned off. But five years ago, the East Baton Rouge landfill west of Baker began capturing the gas so it could be sold to nearby industrial facilities.

Approximately 75 pumps collect the gas and spirit it to a plant at the landfill where the methane is cooled and condensed, explained Jason Dayton, plant manager for Advanced Disposal Services, the private company contracted to extract and sell methane at the city-parish landfill.

Five miles of underground pipelines deliver the methane to BASF and ExxonMobil, which can burn it in place of natural gas. Most of the methane goes to Exxon, where it's used to run the boilers at the polyolefins plant to make plastic products such as containers and auto parts,

according to the company.

When the program started five years ago, Exxon estimated that recycling the gas would have an effect equal to taking 59,000 cars off the road or planting 73,000 acres of pine forest.

As the landfill has grown, operations have expanded, adding about 12 more pumps in 2015, with another dozen planned to be installed soon, said city-parish environmental coordinator Sarah Boudreaux.

When the program started, the boilers at the Exxon polyolefins plant were using landfill methane to provide 45 percent of the fuel, and the amount has since risen to 54 percent, said spokeswoman Stephanie Cargile.

"The Polyolefins Plant is taking all of the gas that the landfill has offered to ExxonMobil. Our ability to take additional supply and the benefits to the environment will continue to increase over the life of landfill as it matures and produces additional methane," she wrote in an email to The Advocate.

Several years ago, the price of natural gas made it lucrative to begin selling landfill methane, according to Boudreaux.

Although few places like East Baton Rouge and Jefferson parishes decided to cash in by capturing and selling their methane, Boudreaux said, most other places just flare theirs off. The Baton Rouge operation was the first time Exxon had ever used landfill gas to help meet its power needs, according to the company

"We're hardly ever flaring. ... (The plants) basically want everything we can give them," Boudreaux said.

The city-parish gets a cut of the sales, which don't amount to much, but Boudreaux said the city-parish was mostly motivated by a desire to recycle. Exxon even won an Energy Efficiency Award from the American Chemical Council, the company pointed out.

Contracting with Advanced Disposal also means the company maintains all the methane pumps, removing that burden from the city-parish, Boudreaux said. Dayton, the plant manager, makes sure all the pumps are in good order and properly pressurized, and he keeps the plant running and oversees the flare that's used on the rare occasions when the landfill has excess methane.

Though the city-parish is preparing to add more methane pumps, Boudreaux expects to just sell more gas to the companies already connected to the landfill via existing pipelines. Another potential customer could theoretically try to hook up, but installing new pipelines is a legally tedious process due to all the property and infrastructure the pipeline would have to cross, she said.

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Nutrient proposal advances

At issue is curbs on phosphorus

By Emily Walkenhorst twitter

This article was published December 26, 2017 at 1:00 a.m.

The first proposed outline to trade nutrients through a watershed has been approved to take to Arkansas' pollution control board nearly three years after the state Legislature voted to allow the proposals.

Four Northwest Arkansas cities -- Bentonville, Fayetteville, Rogers and Springdale -- proposed the program, which could be used by wastewater treatment plants in the nutrient-beleaguered area to lessen the restrictions on the amount of phosphorus that they discharge into the water, all while another facility in the same watershed has its restrictions tightened.

Too many nutrients, such as nitrogen and phosphorus, can cause algae to grow and harm fish.

Arkansas has narrative nutrient standards for water bodies, not specific measurements, but discharge permit holders are subject to nutrient limits.

In Northwest Arkansas, cities and poultry farmers have been forced to be extra cognizant of their phosphorus contributions since Oklahoma sued poultry companies in 2005 over their contribution to phosphorus levels in the Illinois River. Oklahoma has a numeric standard for phosphorus in the river, which receives water from Arkansas.

Allan Gates, an attorney for the four cities known as the Northwest Arkansas Nutrient Trading Research and Advisory Group, said he would try to get the proposal initiated for approval in state regulations by January. It would go before the Arkansas Pollution Control and Ecology Commission and then would require legislative and gubernatorial approval.

In October, the cities submitted their proposal to the state's Nutrient Water Quality Trading Advisory Panel. Panel members raised concerns about the vagueness of the language, including a reference to the "evidence" that the trade would not negatively impact water quality. So the panel postponed a vote until Dec. 14, when it was unanimously approved with three amendments.

Nicole Hardiman, a panel member and executive director of the Illinois River Watershed Partnership, said the proposal's language remained more vague than she wanted but she said after the vote that it would be a good start toward getting the nutrient trading program up and running.

"I am, as a conservationist, concerned that we are maybe making it too flexible," she said. But she said she understood that flexibility could attract more participants and help officials determine the efficacy of trading on improving water quality.

"If we can do a pilot project here, then perhaps we can do others across the state," Hardiman said.

Panel chairman and Springdale Water Utilities Director Heath Ward did not vote on the proposal, but his utility has been interested in trading as a means of further reducing phosphorus contributions in the Illinois River. Springdale Water Utilities and nearby factories have already

spent millions of dollars drastically reducing phosphorus discharges because the Illinois River still has too much of the nutrient in it.

"We've moved that needle one more notch, and to me that's important," Ward said.

Three amendments to the proposal expanded on the nutrient trading plan's requirements.

John Bailey, a panel member who works at Arkansas Farm Bureau, presented an amendment that specified the Arkansas Natural Resources Commission because that would determine compliance for certain trades.

The other two approved amendments came from panel member Larry Lloyd, who works for Beaver Water District. Lloyd asked that the proposal require evidence that the trade will not adversely affect a public drinking water source. He also asked that it require trades to take place within a single watershed when the watershed includes a public drinking water source.

The U.S. Department of Agriculture, business groups and some conservation-minded nonprofits have touted the potential of nutrient trading programs to improve water quality and help permit holders meet regulatory limits.

Some opposition to trading programs has emerged elsewhere.

In 2015, the environmental group Food and Water Watch issued a report on nutrient trading that said it allows "previously accountable pollution dischargers to hide behind pollution credits and discharge without any real limits."

The group also expressed concern that the pollution levels of farms were "unverified and uncertain."

Food and Water Watch and another environmental group, Friends of the Earth, sued the U.S. Environmental Protection Agency in 2010 over allowing nutrient trading in the Chesapeake Bay watershed. The suit was dismissed for a lack of standing.

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Tourism in coal country: Digging into culture, ecotourism

JULIE CARR SMYTH, ASSOCIATED PRESS | December 26, 2017 | Updated: December 26, 2017 11:55am

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Photo: John Minchillo, AP

IMAGE 1 OF 20
Rodney Embrey, an employee at nearby Buckingham coal mine, describes the process of renovating the building he and a business partner purchased to start an antiques dealership, Thursday, Dec. 14, 2017, in ... more

PERRY COUNTY, Ohio (AP) — Two-thirds of Appalachia's coal industry jobs have disappeared since the 1990s. Now the region is hoping tourism will help rebuild its economy by tapping into history and its rugged natural beauty.

A Shawnee, Ohio, event re-enacted a Prohibition rally outside the real-life former speakeasy. In Corbin, Kentucky, they're constructing an elk-viewing area on a former mountaintop mine. Virginia's Crooked Road traces country music history. Ohio's Winding Road takes visitors back to the birth of the U.S. labor movement.

"We'd like to promote Appalachia as an exotic, interesting place, not the Godforsaken place that we usually get in the national press," said Todd Christensen, executive director of the Southwest Virginia Cultural Heritage Foundation.

AUTHENTIC STORIES

For Ohio activist John Winnenberg, the rebirth goes deeper. As eastern Ohio has endured boom-and-bust cycles — of timber, coal, clay and, lately, oil-and-gas extraction — residents have internalized a sense of futility and abandonment that's hard to shake, he says. That mentality could fade if locals succeed in building their own tourism-based economy. "We've been owned before," said Winnenberg, director of The Winding Road initiative centered in historic Shawnee. "We don't want to be owned again."

The promise of a new future for coal country is not new. Billions of dollars have been spent closing, reclaiming, reforesting and redeveloping abandoned mine land since the Federal Mine Safety and Health Act passed 40 years ago.

What's fresh is the new energy among baby boomers and millennials alike, who seem to enjoy the Rust Belt chic of enjoying a drink or overnight stay in a place full of authentic

US & WORLD

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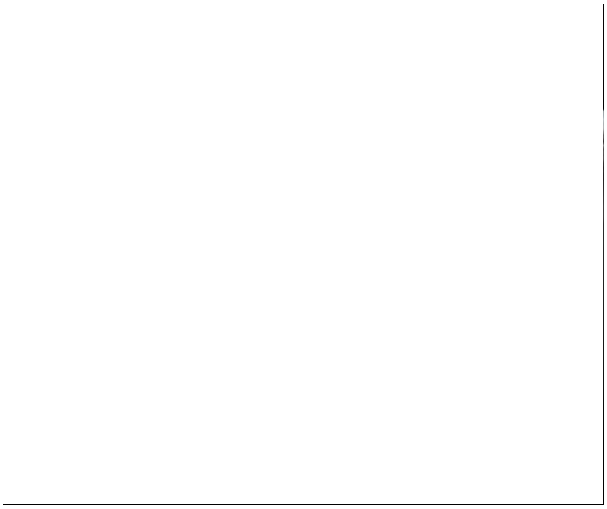

In Nelsonville, Ohio, Sunday Creek Coal Co. was among dozens of companies that thrived in eastern Ohio during mining's heyday, 1850 to 1940. Vestiges of that era — opera houses, speakeasies, union halls, railroad depots — are being preserved and promoted for tours, lodging and quirky events like the re-enactment of a Prohibition rally.

"It's not creating tourism just for other people. We're going for ourselves as well," said Winnenberg.

ECOTOURISM

The Corbin, Kentucky-based Appalachian Wildlife Foundation is developing an ecology education site on Kentucky's first mountaintop removal coal mine.

"Capitalizing on the wildlife of the region for conservation, based on our work, turned into a tourist attraction," said board chairman Frank Allen.

A wildlife center rich with elk, deer, bear and more than 260 species of birds will open in 2019 while mining operations continue nearby. An economic impact study predicts the 19-square-mile tract of former mine land will attract 638,000 annual visitors, generate $124 million in annual spending by its fifth year and create 2,300 jobs.

"The mining has created phenomenal elk habitat. Elk are, by nature, prairie animals, and the grassland habitat that's created when the coal mines are restored is very conducive to the elk,"

Allen said. "It's kind of the ultimate irony: The 'evil' mountaintop removal process and, all of the sudden, it's created the ideal habitat for wildlife."

The Monday Creek Restoration Project in New Straitsville, Ohio, gave locals their first look at a clear-running stream in generations, according to project manager Nate Schlater.

"The stream where a lot of my work has been focused, Monday Creek, was a dead stream, declared possibly unrecoverable in 1994," he said. "Today, there's 36 species of fish living in the stream, it's nearing achieving EPA warm water habitat status. People are now fishing in the stream. My grandkids are catching fish where there's never been a fish in my lifetime."

CHANGING ECONOMIES AND MINDS

Coal country overwhelmingly supported President Donald Trump, who pledged to reverse coal's decline, but just 1,200 new mining jobs have been created across the region since January. That can't make up for the hemorrhage of the past: In Southwest Virginia, mining employment plunged 45 percent from 1990 to 2014.

Even those with good coal jobs sometimes feel they need backup plans. Rodney Embrey loves his job in communications at the Buckhingham mine in Corning, Ohio, but he's also started a lucrative side business with a friend selling antiques. Their store is in a building once slated for demolition as an eyesore. "It was a dry goods store when it opened up" in 1905, he said, an era he and others call "the boom."

The new economy appears to be attracting jobs, tourists and even new residents to the Virginia region that's furthest along in its efforts. One study there found that arts, entertainment,

recreation and related fields added over 5,000 jobs between the year 2000 and 2014. The region's professional, scientific, education and health sectors also grew by double-digit percentages in 15 years, the study found, as millennials in tech and other location-flexible industries select the region for its down-home charm and outdoor recreation.

"We've lost many, many more jobs to coal losses than we've attracted," Christensen said. "But what we're also finding is that communities that have embraced the creative economy have seen an influx of 25- to 34-year-old college-educated people moving in. We can't say it's related, but there's a correlation."

He added that visitors often come in with a "stereotype of what they think they'll find. ... Nine times out of ten, they leave with a different perspective than what they brought."

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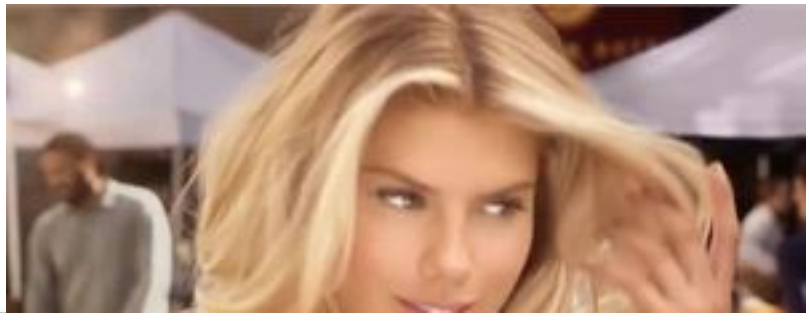

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Development continues at Oklahoma Superfund site

Published: Tuesday, December 26th 2017, 10:20 am CST
Updated: Tuesday, December 26th 2017, 10:20 am CST

By KSWO Staff CONNECT

MIDWEST CITY, Okla. (AP) — As the Environmental Protection Agency considers whether a site contaminated with cancer-causing chemicals is one of the nation's worst, development continues unabated behind it and a large land sale has occurred across the street.

The stark contrast between contamination and nearby construction has jolted nearby residents and concerned citizens, prompting inquiries to city offices. Midwest City has largely deferred to the Oklahoma Department of Environmental Quality, which has frustrated at least one city councilman, The Oklahoman reported.

The trichloroethylene that Eagle Industries employees dumped at 10901 SE 29 St. has largely moved on, migrating through groundwater to the southwest, where it is expected to threaten homes and businesses for years to come. EPA cleanup could last a decade or longer. It is being considered for a national priorities list of Superfund sites.

Meanwhile, a middle-class development, Turtlewood, has thrived to the north and is expanding to the west and northwest of the former Eagle site. Concerned residents have posted photos of construction at Turtlewood on social media and asked whether, considering the contamination nearby, development is appropriate.

HomeCreations, which is building the subdivision, says it is.

"Our community is located north of the Eagle Industries site and is connected to and uses water provided by the City of Midwest City, therefore it does not rely on groundwater," said John Burris, an associate sales director. "Given that information, we do not believe the contamination will have any effect on our neighborhood. However, we are continuing to monitor the situation."

For at least 15 years, Eagle employees illegally dumped cancer-causing toxins directly onto the ground at 10901 SE 29 St., according to state investigators. An Oklahoman investigation found the troubled company routinely skirted environmental laws but never paid a fine. It closed its doors in 2010.

A second Oklahoman article revealed Eagle may have also polluted a site two miles west at 8828 SE 29 St. with trichloroethylene, beginning as early as the 1950s. The site was previously found to have radiation. DEQ has since launched an investigation.

The City of Midwest City, which declined requests for comment before the second article was published, has worked to keep up with the fray. In a Facebook post, the city manager's office called the article "factual in many respects" but one-sided. It said the city was aware of radiation at 8828 but unaware TCE could be there before being told by the newspaper.

"The article's mention of possible trichloroethylene contamination came as a complete surprise to city staff," the city manager's office wrote Nov. 14.

Elsewhere on Facebook, questions were asked of Sean Reed, a Midwest City councilman. Reed wrote that the city would attempt to get answers from the state but complained that "DEQ does what they want and really answers to no one."

On Nov. 15, Midwest City officials met with DEQ but the city has declined to say what was discussed. Kay Hunt, a city spokeswoman, said the city manager "will be communicating that information with the mayor and city council before any public comment will be made." Councilman Jeff Moore, who represents the area, did not respond to requests for comment.

In another Facebook post Nov. 21, the city manager wrote that "the city has been receiving inquires (sic) about the status of the safety of our residents (sic) drinking water for those either living or building new homes near the closed facility," referring to the Superfund site at 10901 SE 29.

The Facebook post contained a response to citizens' concerns from DEQ.

"Based on the investigations to-date at the Eagle Industries site, ODEQ does not feel that housing developments to the north or west of the site are impacted by the former Eagle Industries facility," it stated. "The main human health concern from the site is contaminated groundwater. Housing developments that have public drinking water would not be exposed to the contamination."

Those housing developments include Turtlewood, billed as a "fun, family-friendly community" with easy access to Tinker Air Force Base and Oklahoma City. Three-bedroom, two-bathroom homes there sell for $174,000 to $220,000.

Burris, with HomeCreations, said the company reached out to DEQ after recently learning about contamination at the former Eagle site.

"The safety and integrity of the communities we build in are of the utmost importance to us," he said.

Southeast of the Superfund site is 160 acres of dense woods, listed as agricultural space by the Oklahoma County assessor's office but currently unused. It was purchased by an unknown buyer before it could be auctioned off in 19 tracts on Nov. 8.

Schrader Auction had billed it as "an attractive property" with "gentle topography" and "large, mature timber." The auction house called it an "outstanding opportunity" for residential development, despite being about 600 feet from a Superfund site. Hazardous contamination wasn't mentioned in the 52-page brochure.

Meanwhile, two miles to the west, where DEQ will investigate whether contamination is below the first Eagle site at 8828 SE 29, the city manager's office says it would like to expand commercial development "since it happens to be the last unobstructed property with Interstate 40 frontage that lies within Midwest City limits."

Councilman Pat Byrne, who represents the area around 8828, said there are no immediate plans for that stretch of SE 29 Street. He said the city will consult with DEQ when future development opportunities are identified near that Eagle site.

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LOUISIANA ENVIRONMENT AND FLOOD CONTROL

Tax that pays for oil spill cleanup trust fund expires on Dec. 31

Updated Dec 21;
Posted Dec 21

By Mark Schleifstein, mschleifstein@nola.com,
NOLA.com | The Times-Picayune

The 9 cents per barrel tax on oil that funds the Oil Spill Liability Trust Fund, used by the U.S. Coast Guard to pay for cleanups after accidents like the BP Deepwater Horizon oil spill, expires on Dec. 31, and there are no plans to ask Congress to restore it.

At the end of November, the trust fund contained $5.8 billion, said Allen Thuring, a senior financial analyst with the Coast Guard's National Pollution Fund Center, which oversees the trust find. And that should be enough to handle oil spill emergencies for the foreseeable future, he said.

The trust fund actually is filled by four sources of money, and the oil excise tax historically provided the largest share of its money, Thuring said. But there are other sources of money for the fund, including fines charged to companies found responsible for oil spills under the Clean Water Act, recovery of cleanup costs paid out by the fund from partie responsible for spills, and the interest earned by money in the fund, Thuring said.

The trust fund was created in 1986, but it wasn't until Congress passed the Oil Pollution Act in 1990 that the excise tax was approved to fund it. The Oil Pollution Act was spurred by the 1989 Exxon Valdez spill in of 10.8 million gallons of oil in Prince William Sound in Alaska.

The excise tax actually sunsetted in December 1994, but was reinstated by Congress in 2006 at 5 cents a barrel. In 2009, it was increased to 8 cents, with a provision requiring it to rise to 9 cents this year.

In 2016, BP entered into a settlement of federal, state and local claims that included an agreement to pay $5.5 billion over 15 years as Clean Water Act fines. Settlements by Transocean, the owner of the rig used by BP that exploded during the accident, and others increased the total amount of Clean Water Act fines to $6.6 billion.

Of that money, 80 percent is dedicated to restoration projects in Gulf Coast states as part of the federal Restore Act. But the other 20 percent, equal to about $1.33 billion, goes to the oil spill trust fund in payments that will be made over 15 years.

And there have been a number of other fines related to oil spills that also have added money to the trust fund.

The result is that, even without the tax money, the fund continues to have enough money for future spill cleanup costs, to pay some claims for damages as allowed under the Oil Pollution Act, and to be used by Congress to pay the costs of federal agencies responding to spills, Thuring said.

When the tax expires, Thuring said his office will monitor the status of the fund balance, and the speed in which its money is being spent. When the fund balance drops too low, he said, the agency will return to Congress to request that the excise tax be reinstated, which is what occurred in 2004, leading to the present tax levels approved in 2006.